



***Town of Tyngsborough
Conservation Commission***

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
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Minutes
September 23, 2014

APPROVED

Present:

BM: Brian Martin **PM:** Pat Mical **LB:** Linda Bown **JE:** Jerry Earl **MM:** Matt Marro

Absent:

LG: Lucy Gertz **JK:** Jeff Kablik **ES:** Ed Smith

Attachments:

1. Agenda
2. River Road RDA Filing – 7/29/14
3. Mass. Dept. of Agriculture Letter – 9/8/14
4. 156 Middlesex Rd. NOI Filing – 8/26/14
5. 125 & 135 Middlesex Rd. NOI Filing – 8/8/14
6. 34 Willowdale Ave. Pictometry Photo – 9/23/14
7. 42 Davis Rd. Pictometry Photo – 9/23/14

7:05pm BM opened meeting

7:06pm **10 Cedar Lane (M26, P144, L0) – Notice of Intent**, to remove 6 feet of retaining wall, dead tree & brush debris; and to install a removable dock within a resource area (Lake Mascuppic). Continued from 8/26/14.

The homeowner was not in attendance for this hearing.

JE: Motion to continue this hearing until October 14, 2014 at 7pm

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 3

Passed: 4-0-3

7:10pm River Rd. Conservation Property (M19, P50 & 51) – Tyngsborough Water District Request for Determination of Applicability to run 500' of 6" hose above-ground from an 8" test well to a pumping discharge location along the Merrimack River.

JE: Motion to waive the reading of the legal notice and abutters list.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 3

Passes: 4-0-3

Engineers Ryan Allgrove and Ben Mangen appeared for the Tyngsborough Water District regarding this project. The Water District is looking to establish a municipal well on the Town property known as the Hunter/Norton property. The proposed work is a test of the proposed well which would be done above ground through hoses that would run from the test well into the Merrimack River. The test well water is drinking water quality with minimal levels of Manganese. They went on to say that the testing is slated to run for five days with 300 gallons a minute being pumped into the river. MM noted that the Mass. Dept. of Agriculture submitted a letter with concerns about future farming in the area if wells were installed on the property. Mr. Allgrove added that they have had meetings with DEP and Mass. DAR to discuss those issues. MM said that the issues don't affect this particular testing project, and added that there would be no disturbance of the resource area and recommended a negative determination. There were no abutters present to speak for or against this project.

JE: Motion to close the public portion of the hearing

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 3

Passes: 4-0-3

LB: Motion to issue a Negative Determination for the River Rd. conservation property for a testing well only.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 3

Passes: 4-0-3

7:20pm 156 Middlesex Rd., Tyngsborough Substation #211 (M21, P29 & 37) – National Grid Notice of Intent, DEP# 309-0877 for the proposed replacement of a failing transformer and associated equipment and driveway installation at the existing transformer substation.

JE: Motion to waive the reading of the legal notice and abutters list.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 3

Passes: 4-0-3

Wetland scientist Tim Sullivan appeared before the Commission for the applicant, National Grid. The project involves replacing an existing transformer that is in failure. The site configuration and logistics of construction require that the new transformer equipment be relocated. The substation will be expanded to the adjacent lot with the accessory equipment. The transformer upgrade is necessary in order maintain the service to approximately 800 customers in Town. This equipment will also enable for future increases in the capacity.

Mr. Sullivan went on to explain that the existing footprint of the substation will be expanded with a lot of excavation work, but there would not be any building or electrical permits required. Stormwater management requirements will be maintained on the site as required.

MM said that the plans look very good; however, he would request that the areas slated for excavation be clearly marked in order to prevent “over-removal”. Mr. Sullivan noted that rip rap will also be installed to prevent any run-off from entering the roadway. MM said that he would recommend a Standard Order of Conditions. There were no abutters present to speak for or against this project.

JE: Motion to close the public portion of the hearing

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 3

Passes: 4-0-3

JE: Motion to issue a Standard Order of Conditions for 156 Middlesex Rd., DEP# 309-0877 for the replacement of a failed transformer.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 3

Passes: 4-0-3

7:50pm **125 & 135 Middlesex Rd. (M21, P14 & 14-1) – Tyngsborough Crossing, LLC Notice of Intent, DEP# 309-0878** for the proposed construction of 15 two-family dwellings, decks, parking, sidewalks, drainage, and associated grading and utilities within the 100ft. buffer zone to a bordering vegetated wetland and 200’ Riverfront area of the Merrimack River.

JE: Motion to waive the reading of the legal notice and abutters list.

LB: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 3

Passes: 4-0-3

Engineer Steve Eriksen appeared before the Commission for the applicant. The project consists of a 30 home 40B development; however, only 15 of the 30 homes being built are in Conservation’s jurisdiction. The project is currently being heard by the Tyngsborough Zoning Board of Appeals who has jurisdiction over the permitting for the project.

The site is a wide open field that is relatively flat with no trees. Natural Heritage has not issued their findings yet, but there is a Bald Eagle and Dragonfly habitat nearby. MM reported that the plans look very good and that all of the stormwater regulations have been designed to meet specifications. He went on to recommend a Standard Order of Conditions. There were no abutters present to speak for or against this project.

JE: Motion to close the public portion of the hearing.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 3

Passes: 4-0-3

JE: Motion to issue a Standard Order of Conditions for 125 & 135 Middlesex Rd., DEP# 309-0878 for the construction of 15 dwellings within a wetland resource area.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 3

Passes: 4-0-3

8:10pm Phase 1 West Sewer Expansion Project (Portions of the following: Farwell Rd., Flint Pond Rd., Flint Rd., Kendall Rd., Middlesex Rd., Old Tyng Rd., Upton Dr., Westford Rd., Winslow Rd.) – Tyngsborough Sewer Commission Notice of Intent, DEP# 309-0879 for the expansion of the Tyngsborough municipal sewer system of approximately 19,000 linear ft. of gravity sewer forcemain, 2 sewer pump stations, and capacity upgrades to the existing Bridgeview sewer pump station.

BM disclosed that he is a member of the Tyngsborough Sewer Commission and is recusing himself from this hearing. LB disclosed that she is a direct abutter of this project and is recusing herself from this hearing. Therefore, due to the 3 absent members, a voting quorum was not met and this hearing must be postponed to the next meeting scheduled for October 14, 2014 at 7pm.

8:15pm 34 Willowdale Ave. (M32D, P77, L0) – Request for a Partial Certificate of Compliance, DEP# 309-0854. Order of Conditions issued 3/27/2012.

MM reported that the construction work has been completed and the homeowner needs to obtain a partial Certificate of Compliance in order to fulfill the bank requirements for their financing. He went on to say that the vegetative stabilization is still ongoing and will have to be closed out in a separate request.

JE: Motion to issue a Partial Certificate of Compliance for 34 Willowdale Ave., DEP# 309-0854

LB: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 3

Passes: 4-0-3

Director's Determination

42 Davis Rd. – Tree removal: MM reported that some of the trees on the property are dead and in danger of doing damage to the home. There would be no impact to the resource area and will only be cut, not stumped.

JE: Motion to approve the Director's Determination for tree removal at 42 Davis Rd.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 3

Passes: 4-0-3

Director's Reports

Proposed change in wetlands by-law for extension permits: MM proposed that the Commission institute a by-law fee of \$50 for requests for extensions to existing Orders of Conditions as we do not currently have such a fee. Any proposed change must go before Town Meeting for approval.

LB: Motion to have the Conservation Director write a Town Meeting Warrant Article to institute a \$50 fee for requests for extensions to existing Orders of Conditions.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 3

Passes: 4-0-3

Shady Glade trail re-location – Jim Corrigan: MM briefed the Commission on some of the work and the materials needed for this project. Mr. Corrigan was not present, but will come to a future meeting to explain.

New Business

3 Nottingham Rd. Partial Certificate of Compliance: MM reported that this request came in late today. This home was finished in 1984. The home is being sold and the Certificate of Compliance was never issued on the project.

LB: Motion to issue a Partial Certificate of Compliance for 3 Nottingham Rd., DEP# 309-61.

JE: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 3

Passes: 4-0-3

Administrative:

1. **Minutes:** The minutes for August 26, 2014 were not ready for approval.

8:25pm

JE: Motion to adjourn

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 3

Passes: 4-0-3

Respectfully for the Conservation Commission,

Pamela Berman
Administrative Assistant